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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,110	04/14/2004	Kenneth D. Eisenbraun	KDE-23702/03	6162
25006	7590	07/14/2005	EXAMINER	
GIFFORD, KRASS, GROH, SPRINKLE & CITKOWSKI, P.C PO BOX 7021 TROY, MI 48007-7021			SZUMNY, JONATHON A	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary

Application No.

10/824,110

Applicant(s)

EISENBRAUN, KENNETH D.

Examiner

Jon A. Szumny

Art Unit

3632

All participants (applicant, applicant's representative, PTO personnel):

(1) Jon A. Szumny.

(3) _____

(2) Avery Goldstein.

(4) _____

Date of Interview: 06 July 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.

If Yes, brief description: Applicant mailed Examiner two plastic cable ties, one of the ties having two thinned portions to simulate a modification of the hanger of Dossett '304 so as to have a thinned second portion.

Claim(s) discussed: 1, 10 and 18.

Identification of prior art discussed: Dossett '304 and Ross '809.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant felt the hanger of Dossett '304 with a thinned second portion would destroy the functionality thereof. More specifically, the applicant contended that due to the thinned second portion, the packages (20) would no longer be in alignment prior to hanging on display hangers (60). While it is nearly impossible to completely confirm or deny such an assertion, it appears such an assertion carries little weight since the width of the hanger is not being changed, and it appears from figure 4, for instance, that the width dimension of the hanger would affect the alignment of the packages. Further, the rubber band (70) as mentioned in column 4 would inherently further ensure alignment of the packages. Finally, the applicant alleged that there is no teaching or motivation to modified the first, second and third portions to be of different thicknesses. As mentioned in the office action, absent reasoning in the specification as to why such dimensions are critical to the functionality of the invention, doing so is considered a design choice and hence not patentable. It is additionally noted that the Examiner's SPE agreed that absent a clear teaching in the application as to the criticality that the first portion thickness be different than the third portion thickness, an obviousness rejection as set forth in the previous office action would be maintained.